

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. **020431.0973**

In re Application of:

CRAIG SCHMIDT

SERIAL NO. **09/820,370**

FILED: **11 MARCH 2001**

FOR: **SYSTEM AND METHOD FOR
MATCHING BUYERS AND
SELLERS IN A MARKETPLACE**

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EXAMINER:

OLABODE AKINTOLA

ART UNIT: **3691**

CONFIRMATION NO.: **2848**

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

The Applicant hereby requests a refund in the amount of \$900.00, which was charged on 29 January 2007 to Deposit Account No. 500777 as shown on the attached Deposit Account Statement (Exhibit A) obtained from the USPTO website on 22 March 2007. The fee associated with the \$900.00 in question is not necessary, as discussed below.

REMARKS:

According to information obtained from the Deposit Account Branch of the U.S. Patent and Trademark Office, the \$900.00 in question was charged as a fee for a three-month extension of time for an Amendment that was filed on 10 January 2007. The Amendment was filed in response to an Office Action dated 12 July 2006 that provided a three-month response period ending 12 January 2007. Copies of the first two pages of the Office Action, showing the mailing date and the response period, are attached hereto as Exhibits B and C, respectively. The Amendment was filed on 10 January 2007, as evidenced by the copy of the first page of the Amendment (attached as Exhibit D), which includes a Certificate of Mailing Under 37 C.F.R. § 1.8(a) certifying that the Response was deposited with the United States Postal Service as First Class Mail on 10 January 2007. Thus, in accordance with the certificate of mailing procedures set forth in 37 C.F.R. § 1.8(a), the Response should be treated as timely since it was mailed before the expiration of the reply period provided by the Office Action. Accordingly, no fee for an extension of time should be necessary.

CONCLUSION:

Therefore, the Applicant hereby requests a refund in the amount of \$900.00 be credited to Deposit Account No. **500777**. No fees are deemed to be necessary for the filing of this Request; however, the undersigned hereby authorizes the Commissioner to charge any fees that may be required, or credit any overpayments, to **Deposit Account No. 500777**.

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

22 March 2007
Date

/Steven J. Laureanti/signed
Steven J. Laureanti, Registration No. 50,274

BOOTH UDALL, PLC
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CUSTOMER NO. 53184

EXHIBIT A

**United States
Patent and
Trademark Office**

**Deposit Account Statement**

Requested Statement Month:	January 2007
Deposit Account Number:	500777
Name:	I2 TECHNOLOGIES US, INC
Attention:	ROBERT C. DONOHOO
Address:	11701 LUNA ROAD
City:	DALLAS
State:	TX
Zip:	75234
Country:	UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
01/03	93	09892300	020431.0840	1801	\$790.00	\$35,215.00
01/04	135	10103342	020431.1091	1801	\$790.00	\$34,425.00
01/05	82	09895525	020431.0843	1801	\$790.00	\$33,635.00
01/17	44	10090342	020431.1105	1801	\$790.00	\$32,845.00
01/17	26	10940851	020431.1381	1814	\$130.00	\$32,715.00
01/18	36	09820370	020431.0973	1801	\$790.00	\$31,925.00
01/18	37	09820370	020431.0973	1251	\$120.00	\$31,805.00
01/23	166	09956439	020431.0747	1801	\$790.00	\$31,015.00
01/25	257	11604500	1048JW-80774-D1	8021	\$40.00	\$30,975.00
01/25	334	5930156	020431.0411	1552	\$2,300.00	\$28,675.00
01/29	4	5931900	020431.0317	1552	\$2,300.00	\$26,375.00
01/29	13	5937155	020431.0415	1552	\$2,300.00	\$24,075.00
01/29	1	09820370	020431.0973	1253	\$900.00	\$23,175.00
01/30	15	PAYMENT		9203	-\$20,000.00	\$43,175.00
			START	SUM OF	SUM OF	END
			BALANCE	CHARGES	REPLENISH	BALANCE
			\$36,005.00	\$12,830.00	\$20,000.00	\$43,175.00

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EXHIBIT B

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,370	03/11/2001	Craig Schmidt	020431.0973	2848
53184	7590	07/12/2006		
i2 TECHNOLOGIES US, INC. ONE i2 PLACE, 11701 LUNA ROAD DALLAS, TX 75234				
			EXAMINER AKINTOLA, OLABODE	
			ART UNIT 3624	PAPER NUMBER

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT C

Office Action Summary	Application No.	Applicant(s)	
	09/820,370	SCHMIDT, CRAIG	
	Examiner	Art Unit	
	Olabode Akintola	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 16 June 2006.

2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-16 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____



EXHIBIT D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CRAIG SCHMIDT

Serial No. 09/820,370

Filed: 11 MARCH 2001

For: **SYSTEM AND METHOD FOR
MATCHING BUYERS AND
SELLERS IN A MARKETPLACE**

Attorney Docket No. 020431.0973

Examiner:

OLABODE AKINTOLA

Art Unit: 3624

Confirmation No.: 2848

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AMENDMENT

MAIL STOP: RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

A Final Office Action in the subject Application was mailed to the undersigned on 12 July 2006, which provided for a response period ending 12 October 2006. The Applicant filed an Amendment After Final on 11 September 2006, within two (2) months of the date of the Final Office Action. An Advisory Action was mailed to the undersigned on 19 December 2006. A Request for extension for response within the first month is submitted herewith, extending the response period to 19 January 2007. A Request for Continued Examination (RCE) is submitted herewith. Please enter the following amendments and consider the following remarks prior to examining the subject Application.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)	
Date of Deposit:	<u>1/10/07</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail with sufficient postage under 37 C.F.R. §1.8(a) on the date indicated above and is addressed to Mail Stop: RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.	
By:	